

**REMARKS**

In light of the following remarks, reconsideration of the present application is respectfully requested. Claims 1-19 are pending. Claims 5 and 7-10 are amended. No new matter has been added.

**Priority**

Applicants appreciate the Examiner's acknowledgement that all certified copies of the priority documents have been received.

**Information Disclosure Statement**

Applicants note that the Examiner has considered the references cited in the Information Disclosure Statement filed on May 26, 2006.

**Drawings**

The drawings filed on May 26, 2006 have been accepted.

**Rejections under 35 U.S.C. § 101**

Claims 7-10 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. More specifically, the Examiner alleges that "computer program product," as recited in claims 7-10, embodies functional descriptive material. Accordingly, Applicants have adopted the Examiner's suggested amendment by amending claims 7-10 to recite a "computer readable medium."

Therefore, Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. § 101.

**Rejections under 35 U.S.C. § 102**

Claims 1-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gering, *A System for Surgical Planning and Guidance using Image Fusion and Interventional MR*, hereinafter "Gering." Applicants traverse this rejection.

Claim 1 requires, inter alia, "automatically displacing ... the at least one projection not including the at least one partial projection in such a way that it includes the partial projection after displacement." At least this feature is not disclosed or suggested by Gering.

Gering discloses a computerized surgical assistant. Section 2.3.5, entitled "Reformatted Slice Location" is provided below for the Examiner's convenience.

Besides using the sliders on the GUI to position reformatted slices, users may simply click on a location to change the center of all slices (the focal point) to that point in 3D space. Figure 2-7 [which is reproduced below] is a screen shot taken after clicking on the center of the tumor. In this case, all slices were set to have sagittal orientations and different zoom factors.

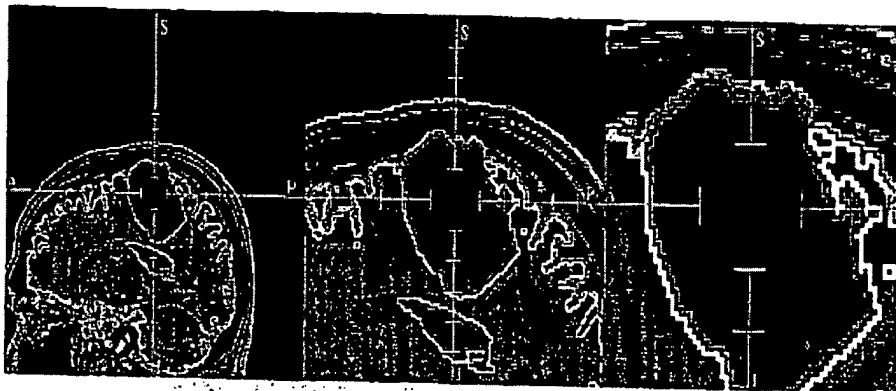


Figure 2-7: Viewing segmented structures under various magnifications.

**Figure 2-7 of Gering.**

The Examiner relies on section 2.3.5 and Figure 2-7 to teach the "automatically displacing" of claim 1. But, as can be seen above, the same image is displaced. More specifically, Figure 2-7 illustrates the same image with different magnifications. Accordingly, Gering fails to disclose or suggest the "automatically displacing ... the at

least one projection not including the at least one partial projection in such a way that it includes the partial projection after displacement,” as required by claim 1. Moreover, the images in Figure 2-7 are not “mutually perpendicular,” as recited in claim 1. By contrast, Gering illustrates the same image with different magnifications.

Therefore, claim 1 is not anticipated by Gering. Claims 2-15, which are dependent on claim 1, are patentable for at least the reasons set forth above regarding claim 1.

Claim 16 is a separate independent claim from claim 1, wherein each independent claim contains its own individual limitations. Claim 16 should be interpreted solely based upon limitations set forth therein. However, claim 16 is patentable for at least reasons somewhat similar to those set forth above regarding claim 1. Claims 17-19, which are dependent on claim 16, are patentable for at least the reasons set forth above.

For at least the foregoing reasons, Applicants respectfully request that the Examiner withdraw the rejection of claims 1-19 under 35 U.S.C. § 102.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-19 in connection with the present application is earnestly solicited.

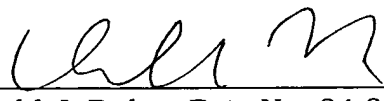
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
Donald J. Daley, Reg. No. 34,313

P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

DJD/BMH/akp